APPENDIX III.

[*Vide* Item III on page 35.]

L.A. Bill No. 10 of 1964 (As passed by the Assembly).

A Bill to amend the Madras Bhoodan Yagna Act, 1958.

BE it enacted by the Legislature of the State of Madras in the Fifteenth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Bhoodan Yagna (Amendment) Act, 1964.

2. *Amendment of section* 2, *Madras Act XV of* 1958.—In section 2 of the Madras Bhoodan Yagna Act, 1958 (Madras Act XV of 1958) hereinafter referred to as the principal Act),—

(i) in clause (a), for the words " landless poor persons or for community purposes ", the words " landless poor persons, co-operative societies of Sarvodaya Panchayats or for community purposes " shall be substituted;

(ii) for clauses (d) and (e), the following clauses shall be substituted, namely :—

" (*d*) ' Gramdan land ' means land donated for Gramdan in a Gramdan village and includes any land in such village donated for the Bhoodan Yagna and granted under sub-section (1) of section 19 to the Sarvodaya Panchayat constituted for that village;

(*e*) ' Gramdan village ' means any revenue village or villages or part or parts thereof in which—

(i) not less than two-thirds of the number of persons residing and owning lands donate all their lands for Gramdan, or

(ii) not less than one-half of the total extent of the lands owned by persons residing in such village or villages or part or parts is donated by persons residing and owning lands therein donating all their lands for Gramdan,

and which the Government may, by notification, declare to be a Gramdan village ";

(iii) after clause (*e*), the following clause shall be inserted, namely :—

" (*ee*) ' Inquiry Officer ' means the Tahsildar or the Deputy Tahsildar in independent charge, having jurisdiction in the taluk or sub-taluk where lands donated for the Bhoodan Yagna are situate or such officer as the District Collector may, by notification, appoint for such village or villages where lands donated for the Bhoodan Yagna are situate, as may be specified in the notification;

3. *Amendment of section* 16, *Madras Act XV of* 1958.—For sub-section (3) of section 16 of the principal Act, the following sub-section shall be substituted, namely :—

"(3) Every declaration made under sub-section (1) shall be filed with the State Board.".

22nd April 1964]

4. *Amendment of section* 17, *Madras Act XV of* 1958.—In section 17 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

" (1) The State Board shall, as soon as may be, after the filing of every declaration under sub-section (3) of section 16, publish the declaration in the *Fort St. George Gazette* and in such other manner as may be prescribed and forward the declaration to the Inquiry Officer concerned.";

(ii) in sub-section (2), for the words " Tahsildar or the Deputy Tahsildar in independent charge, having jurisdiction in the taluk or sub-taluk where the land is situate ", the words " Inquiry Officer ' shall be substituted ;

(iii) in sub-section (3), for the words " Tahsildar or the Deputy Tahsildar, as the case may be ", the words " Inquiry Officer " shall be substituted;

(iv) in sub-section (4),—

(*a*) for the words " Tahsildar or the Deputy Tahsildar, as the case may be ", the words " Inquiry Officer " shall be substituted;

(*b*) the following sentence shall be added at the end, namely :—

" Where there is no objection, the Inquiry Officer, after making such inquiry as he deems fit, shall, as soon as may be, by order, confirm the declaration or declare it null and void.";

(v) in sub-section (5), for the words " Tahsildar or the Deputy Tahsildar ", the words " Inquiry Officer " shall be substituted;

(vi) for sub-section (6), the following sub-section shall be substituted, namely :—

" (6) Where the Inquiry Officer passes an order under sub-section (4) confirming a declaration, he shall, as soon as may, be, communicate the order along with the record of his proceedings to the State Board, who shall thereupon publish the order of the Inquiry Officer in the *Fort St. George Gazette* and on such publication, the donation of land shall, subject to the provisions of section 23, be irrecoverable.";

(vii) for sub-section (7), the following sub-section shall be substituted, namely :—

" (7) Where the Inquiry Officer passes an order under sub-section (4) declaring the declaration null and void, he shall, as soon as may be, communicate a copy of such order to the State Board. On the passing of such order, the donation shall stand cancelled and the donar shall be deemed to continue to have all his right, title and interest in such land as if he had not made any declaration under sub-section (1) of section 16.";

[22nd April 1964

(viii) after sub-section (8), the following sub-section shall be added, namely :—

"(9) Pending the completion of the proceedings under this section, the State Board may, subject to such terms and conditions as may be agreed upon between the donor and the State Board arrange for the cultivation of the lands donated for the Bhoodan Yagna under sub-section (1) of section 16 as it thinks fit".

5. *Amendment of section* 18, *Madras Act XV of* 1958.—In section 18 of the principal Act, for the words "may apply to the Tahsildar or the Deputy Tahsildar, in independent charge, as the case may be, having jurisdiction, for possession and the Tahsildar or the Deputy Tahsildar, may", the words "may apply to the Inquiry Officer for possession and the Inquiry Officer may" shall be substituted.

6. *Amendment of section* 19, *Madras Act XV of* 1958.—In section 19 of the principal Act,—

(i) in sub-section (1), after the words "for community purposes", the words "or to a co-operative society or Sarvodaya Panchayat" shall be inserted ;

(ii) after subsection (1), the following sub-section shall be inserted, namely :—

"(1-A) Where any land vested in the State Board and situated in a Gramdan village is granted to the Sarvodaya Panchayat constituted for that Gramdan village, such land shall be deemed, for all purposes of this Act, to be a Gramdan land vested in the Sarvodaya Panchayat and shall thereupon be dealt with accordingly; and in respect of any land so vested in the Sarvodaya Panchayat, the State Board shall not have any rights or be subject to any obligations under this Act".

7. *Amendment to section* 20, *Madras Act XV of* 1958.—In section 20 of the principal Act, in the proviso to sub-section (3), for the words "Tahsildar or the Deputy Tahsildar" the words "Inquiry Officer" shall be substituted.

8. *Amendment of section* 23, *Madras Act XV of* 1958.—In section 23 of the principal Act—

(i) for the words "Tahsildar or the Deputy Tahsildar", wherever they occur, the words "Inquiry Officer" shall be substituted.

(ii) the words "as the case may be" shall be omitted.

9. *Substitution of new section for section* 24, *Madras Act XV of* 1958.—For section 24 of the principal Act, the following section shall be substituted, namely :—

"24. *Exemption from registration and stamp duty.*—Notwithstanding anything contained in any other law, every declaration and every grant of land made or deemed to have been made

under this Act shall be and be deemed always to have been exempt from registration and payment of stamp duty and of encumbrance certificate fee ''.

10. *Amendment of section* 28, *Madras Act XV of* 1958.—In section 28 of the principal Act—

(i) in sub-section (1), the words '' by notification '' shall be omitted;

(ii) in clause (*b*) of sub-section (2), the words '' co-operative societies or Sarvodaya Panchayats '' shall be added at the end;

(iii) for sub-section (3), the following sub-sections shall be substituted, namely :—

'' (3) All rules made under this Act shall be published in the *Fort St. George Gazette*, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule, order or notification made or issued by the Government under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule, order or notification or both Houses agree that the rule, order or notification should not be made or issued, the rule, order or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, order or notification ''.

11. *Validation of donation and grant of land*.—Notwithstanding anything contained in any judgment, decree or order of any court, no donation of any land for the Bhoodan Yagna or for Gramdan and no grant of any such land made or deemed to have been made under the principal Act shall be deemed to be invalid on the ground only that the donation or the grant of land as aforesaid was not made in accordance with any law relating to transfer of property or registration, and any such donation or grant of land shall, for all purposes, be deemed to be and to have always been validly made and accordingly—

(*a*) all acts, proceedings or things done or taken by the Madras State Bhoodan Yagna Board or the Sarvodaya Panchayat or by any other authority or officer or person under the principal Act in relation to lands donated for the Bhoodan Yagna or for Gramdan or the grant of lands by the said Board or the management of Gramdan lands by the said Panchayat shall for all purposes be deemed to be and to have been always been done or taken in accordance with law.

[22nd April 1964

(*b*) no suit or other proceeding shall be maintained or continued in any court for the declaration of title to, or the recovery of possession of, any land donated for the Bhoodan Yagna or for Gramdan on the ground that the donation was not made in accordance with the law relating to transfer of property or registration.

(*c*) no court shall enforce any decree or order declaring any donation of land for the Bhoodan Yagna or for Gramdan to be invalid or directing the recovery of possession of any such land by the person who donated it or any other person claiming under him, on the ground referred to in clause (*b*).

